2 for 10

Previous references
mpl 191-11 1-5 8-10 1913-14.
413
(Numl)
Later references.
mpl 151-05 13-14
mpl 60-12 23-25 26 27
ml 335-13 15-5
Lalki ref.
gpl 117-18 (1-2)
mc 136-28 1931-8

File No. 708-12
Serial Nos 1-10
permanently preserved

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1-10.

Part B. for December 1913

SUBJECT

Levy of license fees on the Kerosine Oil Depot of Messrs Shaw Wallace Co at the Bangalore City Railway Station.

El. From the First Assistant to the Resident No 7101 dt 11/12/12 - Referring to this office letter no 7977 dt 9/10/12 states that the provisions of the Municipal Regulation do not apply to the Bangalore City Railway Station but that the rates applicable for the transportation of kerosene are those issued under the G R. S 58 Resident's Notification no 52 dt 19/7/05

S.P.S.—4,000—4-7-11

ording to which oil depots are exempted
the municipal authorities while the Superintendent
has no responsibility in the matter, that the question
as regards license fees on Kerosine oil depots at
the City Railway Station is not analogous to
that as regards landed and Excise revenue
which fall within the scope of State monopolies
and that in the circumstances Sir Hugh Daly
is not prepared to admit the city municipality's
claim to the license fee but that steps
will be taken to refund the license fee of Rs
60/- received from messrs Shaw Wallace
& Co for the year 1910-11.

SC2 to the Resident, Bangalore enclosed
no 5029 dt 15/1/13 Requesting him to submit a
Statement of Companies that have license
fees etc.

To President, Municipal Council dt 24/1/13
Requesting him to furnish the information early

SC2 from the Vice President No. 192 dt 25/2/13
Submits a list of Companies that pay license
fees for the storage of Kerosine oil and
Dangerous petroleum in tanks for the years
1889-90 to 1911-12 & states that no oil Company
was obliged to pay the license fees

SC4 from the President, Municipal Council
Bangalore city no 7120 dt 8/3/13 Requesting him
to examine the case thoroughly and state whether

G R S. 11] 1912

GENERAL AND REVENUE SECRETARIAT

(Ind)

NOTES

File No 208

FILE HEADING

Levy of license fees on the Kerosine oil depot of Messrs Shaw Wallace Co. in the Bangalore city Railway station

From

The first assistant to the Resident

No. 7301 Dated 10 12 12 Received 11. 12 12

Diary No 3347	Enclos	Spare Copies.	Serial No 1

BRIEF ABSTRACT OF LETTER

Referring to this office letter no. 2978 9th Oct 1912 states that the provisions of the city Act Regulation do not apply to the Bangalore city Rly station but that

NOTES AND ORDERS

the rules applicable for the possession & transport of petroleum are those issued under the Resident's Notification No 8-2 dated the 19th July 1909, according to which oil depots are inspected by the Ind

NOTES—First Sheet

GPB—50,000—12-6-11

R. S. 12]

General and Revenue Secretariat | Jud File No. 208 of 1912

Serial No.

and Military Station authorities while the City Municipality has no responsibility in the matter, that the position as regards license fee on Government depots in the City RS Station is not analogous to the position as regards Salt & excise revenue which fall within the scope of State monopolies & that in the circumstances Sir Hugh Daly is not prepared to admit the City Municipality's claim to the license fee but trusts that steps will be taken to refund the license fee of Rs 69/ recovered from Messrs Shaw Wallace & Co. for the year 1910-11

2) Submitted for orders

Rs 69
13/11/12

3) The two main reasons advanced by the Hon'ble the Revenue Member in support of the view that the City Municipality cannot levy license fee in respect of oil depots in the City Premises are that the Mad Regn is not in force within the City & that

NOTE.—Contin. sheet.

R. S 12]

General and Revenue Secretariat. | File No. 208 of 1912

Serial No.

Sir, that the rules in force there are the rules issued by the Resr and that the case of Sandal Excise Revenue is not analagous with the case of license fee on oil depots No reference is made in the Resr letter to the point that the City Mr was levying the fee for about a quarter of a century & that this practice may therefore be left undisturbed; nor to the point that the contiguity of the oil depots to the city makes it easier for the City Mr to secure levy license fee The Resr argument proceeds on the strict legal view that the City Mr cannot enforce obedience to the conditions of the license & that the jurisdn over this can be exercised only by the British Govt

(4) If considered necessary, attention may once of the Resy may once again be invited to the practical aspects of the question & the reasons which have to be issued to the Dy Comr to cease to levy the license fee & to refund the fee already levied for 1910-11

Sec 4)

14 12 12

NOTE—Contn. sheet.

GPB—68,000—17-6-12.

R. S. 12]

General and Revenue Secretariat. | File No. 208 of 1912

Serial No.

5) The view of the Resident is no doubt in strict accordance with law But the Durbar had urged for the continuance of the levy and Mr Hewett's original forwarded But on fresh consideration But these considerations do not seem to have weighed with the Resident.

7/1/13

2nd Counsellor

SPK 8/1/13

6) As the land is subject to the Residency, it is stated that the revenue of the land in question is being leased for the past 25 years It could only be from Shaw Wallace Co. which would be of comparatively recent date. It would be worth while to obtain information from the Political Resident & his Council as to the leases of the Co. that paid such heavy fees & the amount paid by them since the Revolution & also what any Co. agreed to such heavy premium & this a bare matter of ordinary conformity of ultimately.

10/1/13

7) Put up draft to the Hon'ble Secretary

SPK 11/1/13

NOTE—Contin. sheet.

GPB—64,000—17-6-12.

3347 5

R. S. 12]

General and Revenue Secretariat | Ext File No. 208 of 1912

Serial No.	
	8) Draft, submitted Rs 69 14/4/13 (15)
	9) Draft approved for issue LY 15/1/13
2	10) To President and Members Bombay vide endy No. 50299 15.1.1913. Requests him to submit a statement of Companies that paid license fees &c
	11) As no reply has been received draft of a D.O reminder is submitted for approval or other orders Rs 69 25/4/13 (15)
	12) Issue LY 29/4/13
	13) To President and Council D of L 30.1.13 Requests him to furnish the information early
3	14 From the Vice President's D.O. No. 121 of 25.2.13 (D 5142) Submits a list of Companies that pay license fees for the storage of Kerosene oil & dangerous petroleum in tanks for the years 1889-90 to 1911-12 & states that no

NOTE.—Contn. sheet.

R. S. 12]

General and Revenue Secretariat. | Pol File No. 208 of 1912

Serial No.

old Company were objected to pay the licence fees

15 From the statement, it appears that the old depot of Hefner Best & Co. is the only oldest depot while the other depots are of recent origin Shaw Wallace Co. dates its origin from 1906-7 as Bunny & Co. In the statement now received Bunny & Co. are shown as agents to the Burmah Oil Co. while in the correspondence Shaw Wallace Co. is shown as agents to the Burmah Oil Co. According to the statement Shaw Wallace Co. have never paid a licence fee of Rs 60, while the objection taken by Shaw Wallace & Co. is to repayment of a licence fee of Rs 60. In the Statements, Bunny & Co. is shown as having paid a licence fee of Rs 60 for each of the years 1910-11 & 1911-12. The statement now received does not appear to be quite correct

16 If Shaw Wallace Co. has not paid any licence fee for 1910-11 as shown in the statement, there is no question of refund, referred to, in the letter from the Residency

Note.—Contn. sheet.

GPS—64,000—17-6-12.

R S 12]

General and Revenue Secretariat | Jud File No. 208 of 1912

Serial No.	
	17 Send true Copy of letter received from the Residency & submitted to the Secretary, there is no order that the principle in the Case is to be examined.
	18 Submitted for orders as to whether the whole question may be referred to the President of the Jud Council (proper)
	19. Personally drawn by the Asst Secy (Mr J.G. Lee on 5/3/13) draft calling for further information is submitted for approval.
	20 Approved
	21 Issue
4	22 From the President Jud Council Bangalore city No.

NOTE—Contn. sheet.

R. S 12]

General and Revenue Secretariat

Pol File No. 208 of 1912

Serial No.	
	7120 d 8 3 13 Requests him to examine the case thoroughly & state why no licence was recovered from Shah Wallace Co. for the years 1910-11 & 1911-12
5	23 From the Resident at Council Bangalore cdy No. 240 d 28. 3. 13 (D 5792) Submits a revised statement of out depots on which licence fees are recovered and states that the licence at the rate of Rs 60 a year has been paid by Messrs Shaw Wallace & Co. for the years 1910-11, 1911-12 & 1912-13
	24 The amount recovered from Messrs Shah Wallace Co. for the 3 years will have to be refunded if the Residency is not again addressed as suggested in para 4 supra
	25 Submitted for orders.
	26 TS 69 8/4/13
X	26 In the reference to Mr Dewan's order dated 24th Dec 1912 that the principle advanced in the Residency Letter dated 10th idem might be examined, attention

NOTE—Contn. sheet.

R. S. 12]

General and Revenue Secretariat

Rd File No. 208 of 1912

Serial No	
W	is invited to the late Dewan's Submission note to His Highness dated 18th Sept 1912.
Rd 208-12) = 1 Current file	27. In view of the decided views Expressed in para 4 of the Residency letter of 10th Dec 1912, the President of Bangalore city Municipality may be instructed not to levy Licence fees on oil depots situated within City Railway Station limits and that the Licence fees levied from Messrs Shah Wallace & Co may be refunded with effect from 1910-11. ZY 2/4/13 Dy Secy)
	28 With reference to para 6 Seey) Dewan may please see 4/4
2340 5.4.13	29 Dewan 2/4/13 4/4 Dewan 5/4
	30 The case may be fully dealt with by the 2nd Councillor, the 1st Councillor & myself being consulted in question of policy. After such Consultation, a final note may kindly be furnished by the 2nd Councillor for submission to His Highness Nic a an important case (
NOTE—Contin. sheet.	

GPB—65,000—17-6-12.

17-5-13 Rd Secy
17/4 Dewan

5792

10

R. S. 12]

General and Revenue Secretariat | Pol File No. 208 of 1912

Serial No. 31

Subject to 2nd Ch

29/
18/4/13

31 I fear we have no choice but to make out, yesterday's view being of the importance which it bears.

32 It is clear that the Govt has no jurisdiction when the oil Ry-Co limits extend they are allowed 6 days hence - two from the Ry Co upon the Ry limits.

The oil-lands in question have been licensed by the Co-Mr. under the Revenue Rules of 1909 & there is specific reference upon the Co to the Mr-Magistrate - It therefore should be noted that the licenses should be revised & the authority which has the jurisdiction of the lands upon which the lands are stated.

The analogy of the Govt & Private persons does not hold good as Govt act & the Ry being better. We fear that we have been leasing that for over 25 years & no objection has been taken & this was not left to much. I fear.

There was enclosed to Mr Pinhey

NOTE—Contn. sheet.

5792

R S. 12]

General and Revenue Secretariat | File No. 205 of 1012

Serial No

in 1909, referred to in the Standing Orders, when the Act of the Legislature having been passed. It is not understood on what ground the Act of Legislature can be passed. It cannot be said that it requires any service to the Government as in the case of the Railway Companies. But in the power to suspend & enforce the rules under which the Oil Fields have been leased.

No proposal

33 For these reasons, I am of opinion that there is no good case for the Legislature to be asked to repeal the Act passed from the Firm & Mr. Burman & make no demand for the same in future.

Mr. Cameron 27/4/13
Dewan)

34 As the area of the Rig lands is included in the Notice issued under the Petroleum Act, I think we should [illegible]

35 The President may however be asked what he has to say about refunding.

Sayer 6.5.13

2816 Re 1.5.13

NOTE—Contin. sheet.

GPB—61,000—17-6-12.

29/4/13

R S. 12]

General and Revenue Secretariat | Jud File No. 208 of 1912

Serial No	
	37 Put up draft to the President inquiring about the refund
	38. Draft subd T1069 9/10/13 10/39 Please put up relevant draft 10/10/13 Law draft subd T1069 10/10/13 For appl Dy Secy) 41. Draft as slightly revised 12/10/13 Draft 13/10
1	42. To President Jud Council Bangalore No. 9062-d 15-10-13 Requests him to favour Govt with his views in the matter of refund.
7	43 From the President Jud Council Bangalore city No. 115 d 24 9 13 (D 2093) Submits the Vice-President's memo and a copy of the resolution of the Jud Council to the effect that no exemption can be granted to the Company & states that he agrees in thinking that the Company is not entitled to the refund of the fees already paid or exemption for the future.

Note—Contin. sheet.

2112

R. S. 12]

General and Revenue Secretariat. | File No. 208 of 1912

Serial No	
	44 The situation of the depot outside the City limits is the main point for consideration.
	45. The recovery of fees by the City as well as the C & M Station authorities is not proper.
	46. Submit for orders with reference to para 35 supra.
refer the paper under despatch V	47 The Vice Presidents minute on which the Conclusions of the President, and of the City Municipal Council are based, does not throw any new light on the subject
V	48 The Conclusions in the minute are three (1) The Hon'ble the President's order No 7166 dt 4.12.1905 has recognised the principle that "mere transfer of private rights over Railway lands did not in any way prejudicially affect the benefits of the municipal administration according to the Ry Company";
U	(ii) The bye laws relating to offensive and dangerous trades prescribe certain duties of inspection and control by the Municipality and the taking out of a license by those pursuing the trade, within the City limits; and

NOTE—Contin. sheet.

R S 12]

General and Revenue Secretariat | File No. 108 of 1912

Serial No

V

(iii) the depots, through within the Railway limits, are, while, so close to the City municl area, that the municty has to carefully control and supervise them to avoid any danger to the neighbourhood.

49) As regards the 2nd point, it has to be noticed that as the municl Regn has no force within the Ry limits, neither have the bye-laws, framed under it, any validity there.

Even as regards the 1st point, it can be urged that the order of the 4th Dec 1905 does not apply to the present case for two reasons —

(i) It was an order of arbitration finally between the City municty and the Ry Company and cannot be of any value as against third parties, and

(ii) It recognised the right of the municty to be paid, so to say, for services rendered. The municty has no services to render in the case, and has no claim for any special treatment.

This leads the Case to the third point in the Vice President's minute in which his views appear to be almost entirely opposed to those of the Resident.

NOTE—Contin. sheet.

GPB—61,000—17-6-12.

R. S. 12]

General and Revenue Secretariat | File No. 2 & P of 191 2

Serial No

50. The Residency have clearly stated that "the oil depot in question is licensed by the Dt. Magte of the C & M Station and is subject to inspection by the C & M Station authorities with a view to ensure due observance of the Conditions of the licence. The City Imp^t has no responsibility in this matter"

51 The Vice President, however, urges that "the Imp^t has the general responsibility not only with regard to the tanks in question but also others", and "that rules relating to issue of licences impose a responsibility on the Imp^l Council by way of inspection and checks etc, for the purpose of ensuring public safety, irrespective of their situation. of these tanks".

52 It is hard to understand what powers of inspection the Imp^l Council can possess outside their jurisdiction, and how they can issue a licence for a tank situated outside the City limits.

53 The responsibility with regard to tanks outside the City limits is accepted by the C & M Station authorities, and if any damage is caused to property within City limits, they

Note—Contn. sheet.

2672

[F. R. S 12]

General and Revenue Secretariat. | File No. 108 of 1912

Serial No.

appear to be bound to make good the loss. The City Fathers can have no responsibility, even of a general kind, with regard to matters which, prima facie, are beyond their control

54 It is therefore submitted that the views embodied in paras 31 to 34 supra be approved, and drafts of final note, order, and letter to the Residency will be submitted accordingly, if approved

Army 4/10

55 Dy Sec'y)

Draft Final Note may be proposed as per para 30

Secy 4/10 Army 4/10

56. Note submitted - Draft Final Note for approval - With reference to para 30

Dy Sec'y) Army 14/10

Secy 16/10

Secretary) 16/10

57 Approved

Secy 17/10

2 Secy Govt Army 21/10

58 Precis submitted to the Hon'ble Councillor with reference to para 35 supra.

Army 23/10

Sec'y)

Draft a letter as proposed in para 35

Secy 25/10

GIP—60,000—17-6-12.

9

I am not sure if it will be the proper thing to send for the Secretariat, & send the Second Counsellor's file note for the opinion of the First Counsellor I think maybe he & the Secy (Judy) Secy

Final Note by the Second Councillor.

17

Mel 208-12

These papers relate to the objection taken by Messrs Shaw Wallace and Co., to the levy by the Bangalore City Municipality of a license fee of Rs.60/- a year on -- their Kerosine Oil Depot situated within the Bangalore - City Railway Station limits As the District Magistrate of the Civil and Military Station had also issued a li-- cense to this Company on payment of a fee of P.120/- per annum umder the rules in force in the Civil and Military Station, this double demand resulted in the Company's re- presentation to the Hon'ble the Resident against the levy by the City Municipality The Residency wrote requesting to be informed of the circumstances under which the Banga- lore City Municipal Council levied the fee and it was in- formed that the present practice of the Municipality re-- covering the license fee may be left undisputed on the -- analogy of the Excise and Sandal revenue, kindly conceded to the Durbar

The Residency does not admit the City Municipa- lity's claim to the license fee in respect of the Oil De- pot in question and therefore the President of the Munici- pal Council was requested to favour Government with his -

Pol File 208-B

18

opinion in the matter, before the passing of final orders.

paper under disposal M

The Municipal Council still assert their claim to the fee alleging that it is incidental to the privilege granted to the Company for storing and trading in articles which come under the category of dangerous and offensive - trade under the rules and bye-laws in force. But the Municipal Council's bye-laws cannot have any force within the Railway limits, the jurisdiction over which has been ceded to the British authorities. The City Municipal Council -- per se have therefore no right to levy a fee of the kind beyond their limits. They may accordingly be advised to cease levying the fee and to refund the fee paid under protest and the Residency informed of the same.

23/10/13

G. R. S. 12]
General and Revenue Secretariat.

2092

Ind File No. 2,8 of 1912

Serial No.	
5791 24.12.13	(4) Dewan 20 25/10

SPG—33,000—27-4-09

Pol 268-12

Submitted to His Highness

F. 61 I submit herewith a final note by the Second Councillor, in regard to the objection taken by Messrs Shaw Wallace and Co., to the levy by the Bangalore City Municipality, of a license fee of Rs 60 a year, on the Kerosine oil depot situated within the Bangalore City Railway Station limits.

62 The recommendation of the Second Councillor that the City Municipal Council be advised to cease levying the fee and to refund the fee paid under protest, may be approved.

A. Nimbalkar
27th Oct 1913

BR

2092

Md 20f-12

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to advise the City Municipality, Bangalore, to cease levying license fees from Messrs Shaw Wallace and Co , on their Kerosine oil Depot at the Bangalore City Railway Station.

3LH

Order.

13 Approved

~~KRW~~

31/11/13

14 concurring

4/11/13 RB

16/11/13

24/11/13

B 1r

ZB 4/11

4/11/13

(G. R. S. 12.)
General and Revenue Secretariat.

Final File No. 208 of 1912

Serial No.	
66	Submit for orders with two drafts TS 11 - 67 Pleasure of these drafts 5/11/13 (Sd) as revised Rm 5/11
68	Fair drafts, submit TS 11 6 11 13 (Sd) Dr Lee). Rm 7/11
69	Nos, drafts as revised may be put up Dawes 7/11
70	Fair drafts, submit TS 11 8/11/13 (Sd) Dr Lee). Rm 10/11.
71	Both the drafts may be approved Dawes 9/11
72	Approved 11/11
73	(Before issue the papers may be circulated to Commanders for personal & private use) Dawes 11/11
74	Issued Rm 11/11
8	No. To the Resident in Council Bangalore Cantt } No. 6389 13 11. 13 Requests him to advise the Council to cease levying rent for the Kanakana out depot within the railway station limits & to refund the fee paid under protest
9	

Note—Contin sheet.

G R. S. 12]
General and Revenue Secretariat.

Ind File No. 208 of 1912

Serial No.	
9	To. To the first assistant to the Hon'ble the Resident in Mysore } 9 13 11 13 Informs him that the Ind Council have been moved to cause levying license fee on the Kerosene depot of Messrs Shaw Wallace & Co situated within the bounds of the City railway station and to refund the fee already paid under protest. 77 This may now be submitted to the Commissioner as directed in para 13 supra Pl 61 14 11 13 18 Submitted for perusal & signature of Sir Sanders after issue Sd 14 11 13 Seen by both the Cr. Secy. initial on proposal of Note Sheet
10	80 From the Resident. Ind Council Bangalore City No. 180 d 5th 12 13 (D 3297) States that the Ind Council accepts the advice of Govt & agrees to refund the license fee recovered & that action is being taken to prepare & submit refund bills for the Secretariat of Govt.

Note—Contd sheet

G.R.S. 12]
General and Revenue Secretariat.

3297
Gnl File No 2 of 1912

24

Serial No

81. No further action is necessary. The papers with which received will be separately dealt with. Must not be filed

TLS
15.12.13

Filed for orders

T6
82 Seen/Learned before being filed

Dy Secy 17/12

17/12

17/12

17/12

MGCPB—20,000—E.11-04

Poc No 927 & 10/12/12

No 7307.

From

P B WARBURTON, Esq., I C S,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE

DIARY No. 3347

10/12/13
SECTION Genl
FILE No 217-12
SERIAL No 1

The Dewan of Mysore

Dated Bangalore, 10th December 1912

Sir,

I am directed to refer to Mr. Srinivasiengar's -- letter No. 297, dated the 9th October 1912, regarding the levy by the Bangalore City Municipality of a license fee of Rs. 60/- on the Kerosine Oil Depôt of Messrs Shaw Wallace & Co in the Bangalore City Railway Station

2 Jurisdiction over the Bangalore City Railway -- Station having been ceded to the British Government, the provisions of the City Municipal Regulation do not apply therein On the other hand, the rules for regulating the possession and transport of petroleum issued under the Resident's Notification No. 52, dated the 19th July 1909, are enforced in the City Railway Station. In -- accordance with these rules, the oil-depôt in question is licensed by the District Magistrate of the Civil and Military Station of Bangalore and is subject to inspection by the Civil and Military Station authorities with a -- view to ensure the due observance of the conditions of the license. The City Municipality has no responsibility in this matter nor does it appear that it has any --

R. O 2.—R. P B.—9-1912.—1,000.

duties

duties to discharge in respect of the depot

3. The position as regards a license fee on Kerosine oil depôts in the City Railway Station does not, moreover, appear to the Resident to be analogous to the position as regards Sandal and Excise revenue in respect of trees and refreshment rooms within the limits of the railway lands over which jurisdiction has been ceded The Sandal and Excise revenues fall within the scope of State Monopolies and, largely as a matter of convenience, concessions have been made to the Durbar more especially on account of services which are rendered by State officials

4. In all the circumstances, Sir Hugh Daly is not prepared to admit the City Municipality's claim for a license fee in respect of the oil depôts within the limits of the Bangalore City Railway Station, and he trusts that, in view of the explanation now given, steps will be taken for refunding to Messrs Shaw Wallace & Co the license fee of Rs. 60/- recovered from them by the City Municipality for the year ending 30th June 1911.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

G.R.S 26]

File No. 208/12

Serial No. 2

Diary No of letter replied to 3347

No. 5029 and 208-12-915/13

General and Revenue Secretariat

(Mad)

, the 19

Date of issue 15.1.13

Signed by Mr TGR

To

The President,
Mad Council
Bangalore city

Sir,

With reference to para 3 of your letter no. 2 dated the 11th May 1912 reporting that the levy of license fee on petroleum depots in the Bangalore city

over

Collr. Mg
8/5

SUBJECT.

has been in force ever since the oil tanks were established in the Station premises from the year 1889, I am directed to request you to be so good as to submit a statement containing information as to the names of the Companies that paid such license fees, the amount paid by them ever since the Revision, whether any Company objected to such payment previously to this & how that objection was disposed of ultimately.

2) The favour of a very early reply is requested

I have etc

for Secretary

List of enclosures,

Copied by

Examined by

GPB—10,000—23-8-11.

G. R. S 26]

File No. 5 208/12

Serial No 511

Diary No of letter replied to 3347

No 5527 — ml 208-12- 930 113

General and Revenue Secretariat

(Mul)

, the 191

Date of issue 30.1.13

Signed by Mr JGR

My dear sir

Please refer to this office letter no 5029 Mul 208-12) -2 dated the 15th January 1913 calling for certain information with regard to the Petroleum depots in the Bangalore city. The matter being urgent, I am to request you

over

SUBJECT

to be as good as to
furnish the required
information early.

Yours sincerely
YY
29/4/45

B J. Hanumanthaiya Naik Esq BA
President of the Municipal
Bangalore City

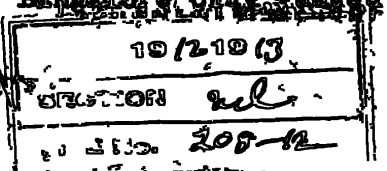
List of enclosures

Copied by

Examined by

GPB—65,000—6-8-12.

D.O.No. 121 Office of the President, Municipal Council,
Bangalore City, dated 25th February 1913.



My dear Sir,

With reference to your D.O. letter No. 5527 / Ml. 208-12 dated 30th Ultimo to the President, in RE certain information regarding the Petrolium Oil Depots in the Bangalore City, I beg to enclose herein a statement showing the details called for and to state that no Oil Company ever objected to pay the license fees.

Yours sincerely,

Vice President.

T. Govinda Rao Esqr,
Assistant Secretary to Government,
Local Boards Department, Bangalore.

Statement showing the names of the Comp
of Kerosine oil and dangerous petroleum

Serial No	Name of license holders	Locality	1893-94	94-95	95-96	96-97	97-98	98-99	99-00
1	Messrs Best & Co	Madras Railway Co Compound	56	28	28	28	28	28	28
2	" Arbuthnot & Co	Salug Cutcherry Road	-	-	-	-	-	-	-
3	" Best & Co	376 — do	-	-	-	-	-	-	-
4	" Burny & Co	City Railway Compound	-	-	-	-	-	-	-
	Agent Burmah Oil Co		-	-	-	-	-	-	-
5	" Shaw Wallace & Co	do	-	-	-	-	-	-	-
6	" Standard Oil Co		-	-	-	-	-	-	-
	of new york madras	do	-	-	-	-	-	-	-
7	Burma Oil Co	Magadi road (Dangerous Petroleum)	-	-	-	-	-	-	-
			-	-	-	-	—	—	-
8	Asiatic Petroleum Co		-	-	-	-	-	-	-
	Agents Messrs Best & Co	Salug Cutcherry Road (Dangerous Petroleum)	-	-	-	-	-	-	-

Statement showing the names of persons who paid licence fees for the storage of petroleum in tanks for the years from 1899-90 to 1911-1912.

Name	99-00	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
	28	28	28	28	28	28	28	28	28	28	28	28
	-	-	14	-	-	-	-	-	-	-	-	-
	-	-	-	-	14			14	14	14	70	70
	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	14	14	-	-	60	60
	-	-	-	-	-	-	14	14	28	28	-	-
	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	14	14	68	-
	-	-	-	-	-	-	-	-	-	-	40	40
	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	56	20	20

Cl C. Subba Rao
Collector
19 2 - 1913.

Copy

Vice President
Municipal Council
Bangalore

25 2 1913.

+ 7.3.13

R.S.D. 11.3.13 Cond 2nd N

G.R.S. 26]

File No. 209/12

Serial No. 4

Diary No of letter replied to 3049

No. 7120 mlr208-12-98313

General and Revenue Secretariat

(Govt)

, *the* *19*

To

The President of the Govt Council Bangalore city

Date of issue 8.3.13

Signed by Mr S D R

Sir,

I am directed to invite reference to the correspondence ending with the Vice President's D O letter no 121 dated the 25th Feby 1913 on the subject of the levy of license fee on the Shaw Wallace Co

papers under dispatch

over

SUBJECT

116

oil depot by both the
Port Conservators of the
Bangalore city & Cantonment
2. From the statement
of oil depots, that pay
license fees, received with
the above it will be observed
that Burmah & Co. are the
agents of the Burmah oil
Co. while in the cases
pandemic Shaw Wallace Co.
are shown as the agents
thereof. According to the
statement Shaw Wallace
Co. have never paid a license
fee of Rs 60/- while the department is now
to effect the recovery of such for 1910-11
taken by the Shaw Wallace & Co.
in to their account of the
said sum of Rs 60/-. No
license fee has also been shown at there
received from Shaw Wallace
& Co. for the years 1910-11 &
1911-12.

List of enclosures,

Copied by

Examined by

3 In these circumstances
I am to request you

GPS—60,000—22-9-10

G R S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form.)

to be as good as to examine the case thoroughly and submit a detailed report in the matter, mentioning also the reasons stating why no licence fee was recovered from Shah Wahee Co. for the years 1910-11 & 1911-12 and if so, why.

4. The favour of an early reply is requested

for Secretary

20 Nov 5/13/13

Fls 69

4/ 20/13

1

11/7/13

Office of the President, Municipal Council,
Bangalore City, dated 25th March 1913.

From

Dewan Bahadur Raja Sabha Bhushana
K.P. Puttanna Chetty Esquire,
Honorary President, Municipal Council,
Bangalore City.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

With reference to your No.7120/Ml.208-12-4 dated 8th March 1913, I have the honor to state that in the year 1906-07 there were two agents to the Burmah Oil Company namely Messrs. Binny and Company and Messrs. Shaw Wallace Company as there were two oil tanks. In the year 1907-08, Messrs. Shaw Wallace and Company themselves became agents for both the tanks and paid a license fee of Rs.28/-. The same rate was continued till the end of the year 1909-10.

2 In the year 1910-11 when the rates of license fees were raised on all the Installations proportionate to the quantity of oil stored in them and a rate of Rs.2/- per every 1000 gallons was imposed, the license fee on the Company in question was raised to Rs.60/- per year, which rate has been paid by Messrs. Shaw Wallace Company on behalf of the Burmah Oil Company for the years 1910-11, 1911-12 and 1912-13.

3 In the statement of Oil Depots already submitted with D.O. No. 121 dated 25-2-1913, the entries for 1910-11 and 1911-12 of Rs.60/- each shown against Burmah Oil Company are the amounts paid by Messrs. Shaw Wallace Company on behalf of the Burmah Oil Company Limited.

A revised

From

To

Dated

Despatched

Received

General No

No

Enclosure No

GPB—50 000—8 1 15

13

A revised statement is herein enclosed for information.

I have the honor to be

Sir,

Your most obedient servant,

Honorary President

Encl to ref 208-N/13

Statement showing the names of the Companies who imported kerosene petroleum in tanks for the years from 18

Name of licensee holder	Locality	1893-94	1894-95	1895-96	1896-97	1897-98	1898-99	1899-00
Messrs Best & Co	Madras Railway Co Compound	56	28	28	28	28	28	28
" Arbuthnot & Co	Taluq Cutcherry Road	-	-	-	-	-	-	"
" Best & Co	376 — do —	"	"	"	"	"	"	"
" Binny & Co Agents Burma oil Co Ltd	City Railway Compound		"	"	"	"	"	"
" Shaw Wallace Co Agents Burma oil Co	do	"	"	"	"		"	"
" Standard oil Co of New York Madras	- do	"	"	"	"	"	"	"
Burma Oil Co	Mayor Road (Dangerous Petroleum)	-	"	"	"	"	"	"
Asiatic Petroleum Co Agents Messrs Best & Co	Taluq Cutcherry Road (Dangerous Petroleum)	-	-	-	-	-	"	-

25th March 1913
Bangalore City

Shard license fees for the Storage of Kerosine oil
89-90 to 1911-12.

1900-01	1901-02	1902-03	1903 04	1904-05	1905-06	1906 07	1907-08	1908-09	1909-10	1910-11	1911 12
28	28	28	28	28	28	28	28	28	28	28	28
-	-	14	-	-	-	-	-	-	-	-	-
-	-	-	-	14	-	-	14	14	14	70	70
-	-	-	-	-	-	14	-	-		-	-
-	-	-	-	-	-	14	28	28	28	60	60
-	-	-	-	-	-	-	-	14	14	68	
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	40	40
-	-	-	-	-	-	-	-	-	56	20	20

For [illegible] DISTRICT.
BANGALORE CITY.

Refund of licence fee to Messrs Shaw Wallace & Co making further enquiry

G R S 26]

File No. 208/12

Serial No 6/15

Diary No of letter replied to 5792

No. 9062

mb 208-12-

9/15-5-13

General and Revenue Secretariat

(Mb.)

, the 191

To

The President

Municipal Council

Bangalore city

Date of issue 15-5-13

Signed by MMJ&R

Sir,

I am directed to invite reference to the correspondence ending with your letter No. 240 of the 25th March 1913 on the subject of the levy of licence fee from Messrs Shaw Wallace Co for storing petroleum on account of their depot

paper under disposal

over

SUBJECT

situated within the
precincts of the Madras
& Southern Mahratta
Railway station, Bangalore
City.

2. It is pointed out
that as the City Munic-
ipal Council had no
responsibility nor any
duties to discharge, in
respect of the Oil Depot
the license fee recovered
from Shaw Wallace Co.
for the years 1910-11 &
1911-12 should be
refunded to the Company.

3 I am to request
you, therefore, to be so
good as to favour Govt
with your views in
the matter.

I have &c

Sd/-
for Secy

Dlm - BD

Copied by

Examined by

Last of enclosures

GPB—25,000—8-8-11

Rs 69
10/5/13

D 2092

No. 105
Enclosures 2

OFFICE OF THE MUNICIPAL COUNCIL,
Bangalore City, 19th September 1913.

Rl 208-12/17

From

DEWAN BAHADUR RAJA SABHA BHUSHANA
K P PUTTANNA CHETTY, ESQ,
Hony President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

SIR,

With reference to the correspondence ending with your letter No. 9062/Rl.208-12-6 dated the 15th May last, and subsequent reminders, calling for my views in the matter of refunding to Messrs. Shaw Wallace and Company, the license fee recovered from the company during 1910-11 and 1911-12 on their Petroleum oil depots within the City Railway Station limits, on the ground that the City Municipal Council had no responsibility nor any duties to discharge, in connection therewith, I have the honor to forward herewith, for orders of Government copies of Vice President's memo dated the 15th Ultimo, and the Municipal Council's resolution thereon passed at a Special General meeting held on the 16th Instant, to the effect that no exemption can be granted to the Company.

2. I agree with the Municipal Council in thinking that for the reasons explained by the Vice President in his memo, the company is not entitled either to the refund of the fees already paid by them or exemption for the future as the payment of a license

a license fee is incidental to the privilege granted to the Company for storing and trading in articles which come under the category of dangerous and offensive trades under the Rules and Bye-laws in force.

I have the honor to be
Sir,
Your most obedient servant,

W. M. Macnaghten
Honorary President.

MEMO.

Messrs. Best and Company.
" Standard Oil Company.
" Shaw Wallace & Company.

There are three marginally noted petroleum oil depots in the Bangalore City railway station premises, besides a few others outside its compound. The first named Company was started so far back as 1893-94. The Government, then, at the request of the Municipality, sanctioned, in order No.1150/L.F.411-92 dated the 21st July 1893, the issue of a license and the levy of a fee in accordance with the scale of rates prescribed in the Madras rules in the matter, and prescribed certain conditions to ensure careful supervision by the Municipality and called for a form of license for their approval. The draft license form submitted to Government was approved in order No.12142 L.F.411-92 dated the 29th January 1894.

2. Messrs Shaw Wallace and Company opened two depots within the City railway premises in 1906-07. The license fee charged on their depots was, according to the original rate of scale fixed for Messrs. Binny and Company Viz, ₹14/- for the minimum quantity of 7000 gallons and ₹2/- for every 1000 gallons over and above 7000. The minimum rate of license fee was being recovered on all these companies up to the year 1909-10. When in 1910-11, the companies increased the store of oil in their depots beyond 7000, the fees were enhanced as above. Messrs. Shaw Wallace and Company who were paying till then ₹28/- at the rate

of

of Rs.914/- for depot had therefore to pay Rs.960/- for each depot proportionately to the quantity of oil stored in their two tanks. This enhancement of fee seems to have led them to question the legality of the levy of license fee at all by the City Municipality on oil depots situated in the railway premises and they appear to have probably accordingly appealed to Government through the Honorable the British Resident protesting against such levy. After much correspondence the Government in their order No. 9062 / M1.208-12-6 dated the 15th May last, have called for the President's views in the matter of refunding the license fee recovered from the said company during the years 1910-11 and 1911-12 on the ground that the City Municipal Council had no responsibility nor any duties to discharge in respect of the oil depots in question.

Current file

V

3. In the year 1905, when the Honorable the British Resident arbitrated in settling the payment of a lump sum amount to the Municipality by the Madras Railway Company by way of taxes, he was pleased to lay down the principle, in his Proceedings No. 7166 dated the 4th December 1905, that it appeared " reasonable that payment of taxes should be continued in as much as the mere transfer of jurisdiction over the railway premises had in no way prejudicially affected the main condition or the benifits of the Municipal Administration accruing to the Railway Company to assist in meeting the expenses of which the Municipal taxes were levied."

Accordingly

Accordingly the propriety of the levy of the license fees in question does not mainly depend on the consideration that the Municipality does not carry out any duties directly in respect of Messrs. Shaw Wallace and Company's oil tanks. The Municipality has its general responsibility not only with regard to the tanks in question, but also other tanks the license fees on which are paid without any objection and the benifits of Municipal Administration are not denied to Messrs. Shaw Wallace and Company.

4. Petroleum is a highly dangerous and inflammable substance necessitating its careful control and supervision by the local authority. It was on this consideration that the Government were pleased to authorize the issue of a license on payment of certain fees as stated above, subject to certain rules and conditions for storing oil in tanks in the City.

5. These rules which are intended for the purpose of ensuing public safety from all possible danger from such tanks, impose a responsibility on the Municipal Council by way of inspection and check etc, towards that end, irrespective of their situation. The oil tanks to be free from danger, are required to be constructed according to certain conditions and it is the duty of the officersof the Municipality to see that the conditions prescribed are attended to by the licensee. In cases of danger by any accident etc, it is the Municipality that have to exert and prevent any

damage

damage to the tank concerned and harm to the public in general.

6. Moreover, by the introduction of the bye-laws relating to the dangerous and offensive trades, as sanctioned by Government in their Proceedings No. 9403/M1.60-12 dated the 27th May 1913 the taking of a license for storing petroleum tanks within the City limits whether they are situated has become imperative.

7. Messrs. Shaw Wallace and Company are not therefore in the opinion of the under-signed entitled to any refund of the license fees already paid by them, as pointed out by Government.

(Signed) B G Kanojia Rao

15-8-1913 Vice President.

"COPY".

For Honorary President

Proceedings of A Special General Meeting of the City Municipal Council, Bangalore, held at the Office Premises at 8 A.M., on Tuesday the 15th September 1913.

Rao Bahadur Rajasabha Bhushana K.P. Puttanna Chetty, Esquire, Honorary President.

S. Ramaji Rao, Esqr, B.A., Vice President.

The Executive Engineer, Bangalore Division,

Subba Rao Esqr, M.B.C.M., L.S.Sc., Health Officer.

The Amildar, Bangalore Taluk.

B. Ramachandra Mudaliar, Esqr.,

Chinnaswami Chetty, Esqr.,

M. Garuda Char, Esqr.,

S.N. Subba Rao, Esqr.,

H.K. Veerabhadrayya Esqr, B.A., B.L

D. Adeppa Esqr.,

B. Usman Khan Esqr.,

N. Subbaiya, Esqr., B.A.,

H. Hanumaiya, Esqr.,

D. Hanumappa Esqr.,

S. Ramachandraswami Esqr., B.A.,

D. Venkataramaiya, Esqr., B.A.,

S. Venkatarangiengar, Esqr.,

A B S E N T.

W. D.A. Rees.

Rajappa, Esqr.,

Siddaveerappa, Esqr.,

N.V. Ramaswamy Chetty, Esqr, B.A.,

B. Abdur Rahman, Esqr., B.A.,

General and Revenue Secretary's letter No.9062/M1.208-12-6 dated the 15th May 1913 calling for the President's views in the matter of refunding to Messrs. Shaw Wallace and Company, the license fee recovered from the Company during the years 1910-11 and 1911-12 on their Petroleum Oil Depots within the City Railway Station limits, on the ground that the Municipal Council had no responsibility nor any duties to discharge in connection therewith.

Also Vice President's Memo dated the 15-9-1913 on the question and the opinion of the Managing Committee thereon.

Resolution:- Resolved that no exemption can be granted as the payment of a license fee is incidental to the privilege granted to the Company for storing and trading in articles which come under the category of Dangerous and Offensive

G R. S 26]

Subject drawing the Mun. Council Bangalore City to cease keeping in force the petroleum act deposit of Messrs Shaw Wallace Co within the city File No 208/12 railway station limits

Serial No 25

Diary No of letter replied to 1092

No. 2 drafts 5381 ml 208-12 dt 13.11.13.

General and Revenue Secretariat
(Mil)
, the 191

To

The President
Mun. Council
Bangalore City

Date of issue 13.11.13

Signed by Mr KA Srinivasaiya

Sir

I am directed to invite reference to the correspondence ending with your letter no 105 dated the 19th Sept. 1913 relating to the claim of Messrs Shaw Wallace & Co. to the refund of the license fee already paid by them in

Enclosed III

over

SUBJECT

respect of the petroleum oil depot situated within the city railway station limits and also to exemption from payment of such fee in future, and to state that in consequence of the transaction within the railway limits having been ceded to the British authorities, the bye-laws of the City Municipal Council can have no force within that area. The Company already pays a fee for the depot under the Rules passed by the Hon'ble the Resident under the Indian Petroleum Act.

2. I am therefore to request you to be so good as to advise the Municipal Council to cease the levy of such fee in future and to refund the

4

List of enclosures

Copied by

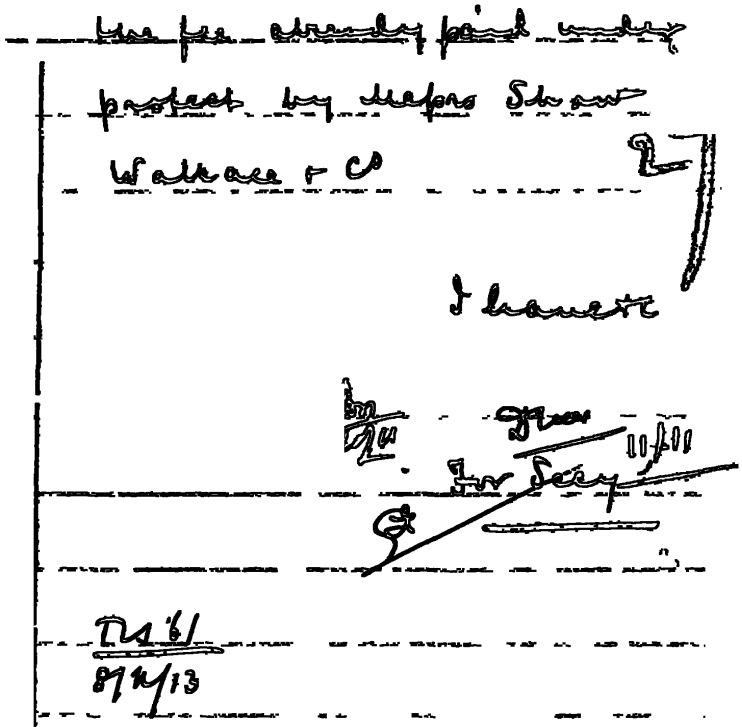
Examined by

GPB—25,000—6-8-11

G R. S. 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)



GPD—12,000—19-6-12.

Inform the Residency that the Md Council Bangalore city have been advised to cease levying license fee from shops Shaw Wallace Co.

(G R S 26)

File No 2:8/12

Serial No 9

Diary No of letter replied to 2092

2 chaps

Fol No. 363.

General and Revenue Secretariat

(Md)

, the 191

To

The First Assistant

to the Hon'ble the Resident

in Mysore

Date of issue 13.11.13

Signed by for K. R. Srinivasaiengar

Sir,

I am directed

to invite reference to the

correspondence ending with

your letter No. 7301, dated

the 10th Dec 1912, about the

levy by the Bangalore City

Municipality of a license fee

of Rs 60/- on the Kerosene oil

Papers under withdrawal

over

SUBJECT

depot of Messrs Shaw Wallace
Co. Ltd Hubli Bangalore Daily
railway statement and to state
whether that, as desired
therein, the said Company,
Bangalore Daily, have been
advised to cease carrying
the fee in question and also to
refund the fee already
paid by the said Company under
protest.

I have

11/11 11/11 For Secy 11/11

Dy 61
6/11/13

List of enclosures

Copied by

Examined by

GPB—20,000—9-8-11

No 180

Enclo 1

D 3297

OFFICE OF THE PRESIDENT, MUNICIPAL COUNCIL,

Bangalore City, dated 5th December 1913

M 208-12

From

DEWAN BAHADUR RAJA SABHA BHUSHANA
K. P PUTTANNA CHETTY, ESQ,
Honorary President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

SIR,

With reference to correspondence ending with your letter No. 5381/M1.208-12-8 dated the 13th November 1913 requesting a reconsideration of the question of refunding the fees already paid under protest by Messrs, Shaw Wallace and Company for their Petroleum Oil Depot in the Bangalore City Railway Station, I have the honor to forward herewith a copy of the resolution of the Municipal Council, agreeing under the circumstances stated, to refund the license fees paid by the said Company for the years 1910-11 and 1911-12.

2. As the Company has paid fees for 1912-13 also, it will be included in the refund bill under preparation and will be sent up to government for sanction in due course.

I have the honor to be
Sir,
Your most obedient servant,

Honorary President.

1913

From

The Honorary Secretary,
Municipal Council,
Bangalore.

To

The Secretary to the Government
of H.H. the Maharaja of Mysore
General and Revenue Departments.

Dated Bangalore

Despatched 8-12-1913

Received

General No. 180
No.

Enclosure No 1

Submitting copy of
Municipal Council's
letter dated 29th November
1913 re refund of fee
paid by Messrs Binny
Wallace and Co

GTS—50,000—24-4-13

Extract from the Proceedings of an Ordinary General Meeting of the City Municipal Council, Bangalore, held at the Office premises, on S.M.C., on Saturday the 30th November 1913.

Gen & Rev 208-12 SLO

P R E S E N T.

K.P. Puttanna Chetty Esqr. B.A., B.L.
Honorary President.

Executive Engineer, Bangalore Division.

Police Officer, Bangalore City.

Collector, Bangalore Taluk.

Dr. A. Lazarus.

B. Venkatesha Mudaliar Esqr.

D.K. Varadachar Esqr.

C.H. Venkatachar Esqr.

M.K. Veeraswamayya Esqr, B.A.B.L.

G. Siddaveerappa Esqr.

B.V. Kakkeri Chetty Esqr, B.A.,

A. Hussain Khan Esqr.

M. Subbaraya Esqr, B.A.,

B. Abdul Rahman Esqr, B.A.,

N. Narasiya Esqr.

B. Ramappa Esqr.

S. Ramachandrachar Esqr, B.A.,

D. Venkataramaiya Esqr, B.A.,

G. Venkatarama Iyengar Esqr.

A B S E N T.

D.G. Kenny Esqr, B.A., Vice President.

B. Rajappa Esqr.

B. Adappa Esqr.

The General and Revenue Secretary's letter No.5381/ M1. 208-12-1 dated the 13th November 1913, requesting a reconsideration of the question of refunding the fees already paid under protest by Messrs. Shaw Wallace and Company for the Petroleum Oil Depot in the City Station.

Resolution.- The Council accept the advice of Government and agree to refund the license fees recovered for 1910-11 and 1911-12.

Sd. K.P. Puttanna Chetty,
Honorary President.

"COPY".

For Honorary President.

Shaw Wallace.

... was recovered from
for the years 1910-11 & 1911-12.

5 From the President, Municipal Council
Bangalore city no 240 of 25/3/13 Submits
a revised statement of fail deposits on which
license fees are recovered and states that
the license at the rate of Rs 60/- a year has
been paid by messrs Shaw Wallace & Co for
the years 1910-11, 1911-12 & 1912-13

11 6 To the President, Municipal Council, Bangalore
no 9628 15/5/13 Requests him to favour you.
with his views in the matter of refund
by From the President, Municipal Council
Bangalore city no 1058 24/9/13. Submits the
Vice President's memo and a copy of the resolution
of the Municipal Council to the effect that
no exemption can be granted to the company
and states that he agrees in thinking that the
company is not entitled to the refund of the
fees already paid & or exemption for the future
18 To the President, Municipal Council Bangalore
city no 5281 of 13/11/13 Requests him to advise
the Municipal Council to cease levying
the fees on the Kolar Gold Fields within the
Municipal limits and to refund the
amount under protest

Sig. To the Asst. to the Hon'ble the Revenue Minister and D 15/11/13 informing him that the Municipal Council have been advised to cease levying license fee on the horse oil depot of messers Shaw Wallace & Co situated within the limits of the city Railway station and to refund the fee already paid under protest.

Sir - I am directed by the President, Municipal Council, Bangalore etc. No 1805 5/12/13 to state that the Municipal Council accepts the advice of Government and agrees to refund the license fees received and that action is being taken to prepare and submit refund bills for the sanction of Govt.

Yours
12/12/13